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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,234	05/31/2001	Dean Tan	50277-1512	2418
42425 7590 06/29/2007 HICKMAN PALERMO TRUONG & BECKER/ORACLE 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1089			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/872,234

Applicant(s)

TAN ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23-43 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23-43 and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-21, 23-43 and 45-48 are pending and have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on August 16, 2004; October 25, 2004; November 9, 2004; November 23, 2004; February 3, 2005; May 12, 2005; June 3, 2005; June 22, 2005; August 9, 2005; November 15, 2005, January 24, 2006; May 31, 2006 and June 8, 2006 have been previously considered by the examiner according to the file record.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 45 and 46 are rejected under 35 U.S.C. 102(a) as being anticipated by **Aronberg** et al. (USPN 5,933,647).

Claim 45

Aronberg disclosed a machine-implemented method, comprising the steps of:

receiving, at an appliance, a document that includes elements that specify (a) steps for installing an application on the appliance (*column 2, lines 52-54; column 5, lines 30-35*), and (b) customized parameter values to use when installing the application on the [appliance] (*column 2, lines 52-54*); and automatically translating the elements to commands, which are executed by the appliance to perform said steps to install the application on the [appliance] using the customized parameter values (*column 4, lines 35-38; installation commands to be performed translated at least from the network protocol used to get them to the target*).

Claim 46

The limitations of claim 46 are substantially the same as for claim 45 and as such are rejected in the same manner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-21 and 23-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aronberg** et al. (USPN 5,933,647) in view of **Bigus** et al. (USPN 6,718,358) in further view of **Callaway** et al. (USPN 6,446,071).

Claim 1

Aronberg disclosed a method for automatically installing an application on a device on a network, the method comprising the steps of:

sending, from the device to a server, a request that (a) requests a application from the server (*column 4, lines 54-58*),
downloading, from the server, an initial customized value for a configuration parameter, wherein the initial customized value was determined by the server (*column 2, lines 1-12, and lines 54-56; column 5, lines 44-48; column 9, lines 28-32; figure 4, variables to set; figure 7, variables set, files per directory*);
downloading the database application to the device (*column 2, lines 59-61*); and
installing the database application on the device with the initial customized value for the configuration parameter (*figures 4 and 7; column 9, lines 28-32*).

Aronberg did not explicitly state a database application and sending from the device resource information available on the device for customization of parameters. **Bigus** demonstrated that it was known at the time of invention to

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install database applications (column 1, lines 14-27 and lines 62-64) and to gather resource information from target devices (column 1, lines 38-41; and column 4, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the distributed installation system of **Aronberg** with database installation and parameter tuning including receiving as needed resource information available for customizing parameters as found in **Bigus**' teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to 1) provide databases along with any other software to a system as needed and 2) provide the most efficient functioning of any installed software (column 1, lines 38-41).

Aronberg did not explicitly state *sending to a server data indicating device resources*. **Callaway** demonstrated that it was known at the time of invention to seek centralization of data and software (column 3, lines 2-4). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg** with centralized software for evaluating device resources as found in **Callaway**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to centralize software in an effort to reduce out-of-date or hard-to-update agents from being dispersed throughout a network, it is easier to update one location.

Claim 2

Aronberg and **Callaway** did not explicitly state the method of Claim 1 further comprising the step of monitoring logs of actual use of the device resources.

Bigus demonstrated that it was known at the time of invention to tune databases via acquired metrics (column 1, lines 38-64; column 2, lines 53-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg** with software tuning as found in **Bigus**' teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to improve performance of distributed/network systems (**Bigus**: column 1, lines 19-27 and lines 38-49).

Claim 3

Aronberg, **Bigus** and **Callaway** disclosed the method of claim 2, further comprising, after the database application has been installed, tuning the value of the configuration parameter based on logs of actual use of the device resources (*see above claim 3*).

Claim 4

Aronberg, **Bigus** and **Callaway** did not explicitly state the method of claim 1, wherein:

- ♦ the method further comprises, after requesting the database application from the server, receiving at the device a network address of a source for the database application; and
- ♦ the step of downloading the database application comprises downloading the database application to the device from the source.

Official Notice is taken that it was known at the time of invention to make use of distributed servers and downloading redirection. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg, Bigus** and **Callaway** with receiving an alternate server to download from. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of standard network environments in order to increase usefulness and applicability of the installation system (for example: download straight from the vendor, which is most likely to be most accurate and up-to-date).

Claim 5

Aronberg, Bigus and **Callaway** disclosed the method of claim 4 wherein the source is a second server that is distinct from the server from which the database application is requested (*see above claim 4, for example downloading from vender*).

Claim 6

Aronberg, Bigus and Callaway disclosed the method of claim 1, wherein the device is a database appliance having database software and non-database software tailored to the needs of the database software (**Bigus**: disclosed database software as shown above; **Aronberg**: showed at least the agent software responsive to the database for installation; and **Bigus**: at least the tuning software responsive to the database software).

Claim 7

Aronberg, Bigus and Callaway disclosed the method of claim 1, wherein:

- ♦ the server is a community server used to install the database application on a plurality of devices (**Aronberg**: figure 1); and
- ♦ the community server sends to each device of said plurality of devices initial customized values for the configuration parameter based on the resources on said each device (**Aronberg**: figure 1; column 4, lines 54-56).

Claim 8

Aronberg, Bigus and Callaway disclosed the method of claim 4, wherein the source is a community server used to install the database application on a plurality of devices and the network is the Internet (**Aronberg**: figure 1; and above claim 4 vnder example; and **Bigus**: column 2, line 45).

Claim 9

Aronberg, Bigus and **Callaway** did not explicitly state the method of claim 1, wherein the server is a platform at an Internet database service provider (**Bigus**: column 2, line 45; and **Callaway**: column 4, line 33).

Claim 10

Aronberg, Bigus and **Callaway** disclosed the method of claim 4, wherein the source is a platform at an Internet database service provider (*see above claim 4, vender example*).

Claim 11

Aronberg, Bigus and **Callaway** disclosed the method of claim 1, wherein the data indicating device resources includes data indicating at least one of a consumable resource and an application already installed (**Aronberg**: column 5, lines 44-48; column 9, lines 28-32).

Claim 12

Aronberg, Bigus and **Callaway** disclosed the method of claim 11, wherein the data indicating the consumable resource includes data indicating at least one of storage space, number of licensed users, maximum processor usage rate,

and maximum transaction rate (**Aronberg**: column 5, lines 44-48; column 9, lines 28-32).

Claim 13

Aronberg, Bigus and Callaway disclosed the method of claim 1, wherein:

- ♦ the device is a database appliance having database software and non-database software tailored to the needs of the database software (**Bigus**: disclosed database software as shown above; **Aronberg**: showed at least the agent software responsive to the database for installation; and **Bigus**: at least the tuning software responsive to the database software); and
- ♦ the data indicating device resources includes a type of the database appliance (**Aronberg**: column 5, lines 44-48; **Bigus**: column 1, lines 62-64).

Claim 14

Aronberg, Bigus and Callaway disclosed the method of claim 1, wherein the configuration parameter is at least one of a size for a shared global area of memory for the application, a size for a private cache memory, a size for a tablespace, and a size of a data block (**Aronberg**: column 5, lines 44-48; column 9, lines 28-32).

Claim 15

Aronberg, Bigus and Callaway disclosed the method of claim 3, wherein the logs of actual use include data indicating at least one of number of disk reads, number of disk writes (***Aronberg**: column 2, lines 1-8*).

Claim 16

Aronberg, Bigus and Callaway did not explicitly state the method of claim 1, further comprising:

- ♦ sending to the server a request for selectable database applications,
and
- ♦ receiving from the server data indicating a set of one or more
selectable database applications.

Official Notice is taken that it was known at the time of invention to select via a user an application for installation. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg, Bigus and Callaway** with user selecting software to install. This implementation would have been obvious because one of ordinary skill in the art would be motivated to a user further control over their system in order to make adjustments specific to their individual needs.

Claim 17

Aronberg, Bigus and **Callaway** did not explicitly state the method of claim 1, further comprising:

- ♦ sending to a user data indicating a set of one or more selectable database applications; and
- ♦ receiving input from the user indicating the database application selected.

Official Notice is taken that it was known at the time of invention to select via a user an application for installation. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg, Bigus** and **Callaway** with user selecting software to install. This implementation would have been obvious because one of ordinary skill in the art would be motivated to a user further control over their system in order to make adjustments specific to their individual needs.

Claim 18

Aronberg, Bigus and **Callaway** disclosed the method of claim 17, wherein:

- ♦ the network is the Internet (**Bigus**: column 2, line 45); and
- ♦ the data indicating a set of one or more selectable database applications are sent from an internet database service provider system which manages the device (**Aronberg**: figure 1).

Claim 19

Aronberg, Bigus and Callaway disclosed the method of claim 1, wherein the database application is configured to interact with a database server device distinct from the device (**Bigus**: column 1, lines 62-64 and column 2, line 45).

Claim 20

Aronberg, Bigus and Callaway disclosed the method of claim 19, wherein the device and the database server device are managed by an internet database service provider system (**Bigus**: column 2, line 45).

Claim 21

The limitations of method claim 21 are substantially similar to the limitations of method claim 1 and as such are rejected in the same manner.

Claims 23-43

The limitations of computer-readable medium claims 23-43 are substantially similar to the limitations of method claims 1-21 and as such are rejected in the same manner.

Claims 47 and 48

Aronberg, Bigus and Callaway disclosed the method or machine-readable medium, wherein the application is a database application (*see claim 1*).

Response to Arguments

Applicant's arguments filed 22 December 2006 have been fully considered but they are not persuasive. Applicant argues: ¹⁾ an installation program does not qualify as a document (Response: page 16); ²⁾ **Aronberg** fails to demonstrate a translation step (Response: page 17); ³⁾ “sending a request” and “downloading an initial customized value” are not disclosed by the cited references (Response: page 18); and ⁴⁾ the combination of the references would “destroy” **Callaway** (Response: page 20). These arguments are not persuasive.

As to the first and second issues, **Aronberg** teaches the elements in question according to the broadest reasonable interpretation of the claimed limitations. An installation program does teach textual elements in at least two significant ways: ¹⁾ the program itself would be displayed using textual ASCII characters; and ²⁾ programs for use by human beings communicate via user interfaces which rely in part on text. Thus the installation program contains text and is a document according to the claims. Further any document, program, or other data that is received via a protocol is formatted according to that protocol. At some point, the received information must be striped or converted or translated from transmission protocol to straight information.

Third, the limitations Applicant asserts are not demonstrated by a single prior art reference are demonstrated in part by a combination of cited prior art, **Aronberg, Bigus and Callaway**. All of the sub elements of the “sending a

request" and "downloading" step are disclosed by the cited prior art and referenced in the above rejection. Then they are properly combined.

Finally, **Callaway** is not destroyed by the harvesting data. Even centralization must acquire information from some place.

Having addressed Applicant's raised concerns the rejections are maintained.

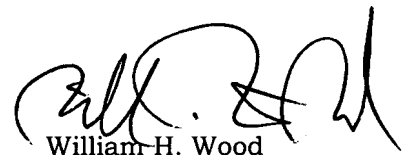
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner
AU 2193
June 24, 2007